

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LT/664

- Applicant** : International Property Investment Agency Limited represented by Philip So & Associates Limited
- Site** : Lot 431 RP (Part) in D.D. 10, Lam Kam Road, Lam Tsuen, Tai Po, N.T.
- Site Area** : About 1,427 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Shop and Services (Real Estate Agency) with Ancillary Car Park for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary shop and services (real estate agency) with ancillary car park for a period of three years at the application site (the Site), which is zoned “AGR” on the approved Lam Tsuen OZP No. S/NE-LT/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP.
- 1.2 According to the applicant, the proposed development consists of a one-storey (3.5m high) temporary structure for an estate agency office with a total floor area of about 201m² (about 14% of the site area). The remaining open area of the Site will be largely turfed and used for eight ancillary open-air parking spaces for staff and visitors as well as circulation space. Peripheral landscape works with 21 new planted trees (*Bauhinia Blakeana* 洋紫荊) are also proposed (**Drawing A-1**).
- 1.3 The Site is accessible via a local track connecting to Lam Kam Road and the proposed ingress/egress point is at the north-western corner of the Site. The applicant states that the Site is served by public transport and there will be not more than 10 vehicular trips to/from the Site per day. The daily opening hours

will be from 9:00 a.m. to 6:00 p.m.. Layout plan and drainage plan of the proposed development are shown on **Drawings A-1** and **A-2** respectively.

- 1.4 The Site is the subject of a previous application (No. A/NE-LT/615) for the same use submitted by the same applicant, which was approved with conditions on a temporary basis for a period of three years on 8.12.2017. As compared with the previous application (No. A/NE-LT/615), the proposed layout and development parameters remain the same. The planning permission was revoked on 8.12.2018 due to non-compliance with time-limited approval conditions.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) application form received on 19.3.2019 **(Appendix I)**
 - (b) supplementary information received on 22.3.2019 **(Appendix Ia)**
 - (c) further information (FI) received on 28.6.2019 **(Appendix Ib)** providing responses to departmental comments (*accepted and exempted from publication and recounting requirement*)
 - (d) FI received on 6.8.2019 providing responses to departmental comments (*accepted and exempted from publication and recounting requirement*) **(Appendix Ic)**
- 1.6 On 17.5.2019, the Rural and New Town Planning Committee (the Committee) agreed to the applicant's request to defer making a decision on the application for two months to allow time for the preparation of further information to address departmental comments. The applicant submitted FI on 28.6.2019 and 6.8.2019. The application is re-scheduled for consideration by the Committee on 16.8.2019.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in Part 9 of the application form and further information at **Appendices I and Ia to Ic**. They can be summarized as follows:

- (a) the nature of use under the current application is the same as the previous application (No. A/NE-LT/615) submitted by the same applicant, which was approved with conditions on 8.12.2017 on a temporary basis for a period of three years;

- (b) the applicant has made submissions for compliance with approval conditions regarding the provision of boundary fencing as well as the submission of a drainage proposal, fire service installations (FSIs) and water supplies for firefighting proposal and slope stability assessment. However, these submissions were considered not acceptable by relevant Government departments;
- (c) the applicant has submitted extension of time (EOT) applications for compliance with approval conditions in May and August 2018, and both of which were approved. However, the applicant missed the deadline for the third EOT submission (i.e. mid-November 2018). As a consequence, the planning permission was revoked on 8.12.2018;
- (d) the applicant has submitted photographic records regarding the implemented landscape proposal and committed to reinstate the patch of marsh within the site which has been mistakenly dumped with filling materials by construction workers; and
- (e) the applicant seeks to utilize the Site for the same use with the same development parameters as proposed in the previous application (No. A/NE-LT/615) to provide estate agency services to the local community. Given the planning circumstances and physical setting surrounding the Site remain unchanged, the Board is requested to give sympathetic consideration to approve the application. The applicant undertakes to comply with all approval conditions imposed by the Board.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “current land owner”, but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by obtaining consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) advises that the Site is not subject to any active enforcement action. Should there be sufficient evidence to prove that the current use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be taken.

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/NE-LT/615) for the same use submitted by the same applicant, which was approved with conditions on 8.12.2017 on a temporary basis for a period of three years up to 8.12.2020. It was approved mainly on the considerations that approving the proposed

development on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; and the technical requirements of relevant Government departments could be addressed by relevant approval conditions. However, the planning permission was revoked on 8.12.2018 due to non-compliance with time-limited approval conditions including the provision of boundary fencing, drainage facilities, water supplies for fire-fighting and FSIs; the submission of a slope stability assessment and implementation of the mitigation measures identified therein; as well as implementation of the accepted landscape proposal. The current application is same as the previous application (No. A/NE-LT/615) in terms of site area/boundary, proposed use, development parameters and site layout.

5.2 Details of the above previous application are summarized at **Appendix II** and its location is shown on **Plans A-1** and **A-2**.

6. Similar Application

There is no similar application within the same “AGR” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1, A-2 and photos on Plans A-3 and A-4)

7.1 The Site is:

- (a) partly covered with grass;
- (b) bounded by concrete wall to the north, east and south and occupied by a container converted structure; and
- (c) accessible via a local track connecting to Lam Kam Road.

7.2 The surrounding areas are predominantly rural in character with scattered tree groups, farmlands and village houses. The village proper of Pak Ngau Shek is at about 100m to the northwest and Lam Kam Road is about 15m to the south of the Site. A stream connecting to Lam Tsuen River is found to the immediate east of the Site and a large temporary structure for storage of tiles is located to the immediate north of the Site.

8. Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD):

- (a) no objection to the application;
- (b) the Site consists of a private lot (Lot 431 RP in D.D. 10, Lam Tsuen) held under Block Government Lease demised for agricultural purpose. No structure shall be erected on the lot without the prior approval from LandsD;
- (c) the registered owner of the lot had submitted a Short Term Waiver (STW) application to LandsD subsequent to the Board's approval of the previous application (No. A/NE-LT/615), which was revoked on 8.12.2018;
- (d) should the application be approved, LandsD will continue to process the STW application. However, there is no guarantee at this stage that the STW would be approved. If the STW application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD including payment of waiver fee and administrative fee as considered appropriate;
- (e) there is no guarantee to the grant of a right of way to the Site or approval of the emergency vehicular assess (EVA) thereto; and
- (f) the applicant is required to clear any existing structures on the Site immediately unless they are covered by valid approval. Otherwise, appropriate lease enforcement action will be taken in due course.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) no in-principle objection to the application from traffic engineering viewpoint;
- (b) the applicant should provide sufficient space for the manoeuvring of vehicles entering to and exiting from the Site and manoeuvring within the Site; and
- (c) the existing village access connecting to the Site is not under

Transport Department (TD)'s management. The land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities in order to avoid potential land disputes.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) the Site falls within the "AGR" zone and is within water gathering ground (WGG). As the applicant has confirmed that there will be no toilet facility or wastewater generation from the proposed development, he has no objection to the application from water quality perspective;
- (b) there was no environmental complaint related to the Site in the past three years; and
- (c) the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".

Drainage

9.1.4 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) no in-principle objection to the application from public drainage viewpoint;
- (b) the Site is within an area where connections to existing public stormwater drainage is available in the vicinity. If the application is approved, a condition should be included to request the applicant to submit and implement the drainage proposal for the Site to the satisfaction of Director of Drainage Services to ensure that it will not cause adverse drainage impact to the adjacent area;
- (c) the applicant should design the drainage proposal based on the actual site condition for DSD's comment/agreement. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary. The applicant should make sure no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected; and
- (d) there is no public sewer connection available in the vicinity of the proposed development.

Water Supply

9.1.5 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- the Site is within upper indirect WGG and less than 30m from the nearest water course. He has no objection to the application and the applicant should be advised of the followings:
 - (i) site formation, construction and drainage plans shall be submitted to the WSD for approval;
 - (ii) besides car parking, other activities such as car maintenance, repairing or washing activities shall not be allowed in the proposed development;
 - (iii) no effluent or foul water shall be discharged directly or indirectly into any watercourses without the prior written permission of the WSD;
 - (iv) all solid waste and sludge arising from the operation of the proposed car park shall be disposed of properly outside the WGG;
 - (v) the proposed car park shall be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall;
 - (vi) fencing shall be erected on the sides facing the nearest stream course to trap all wind-blown debris within the proposed car park;
 - (vii) no chemicals including fertilizers shall be used without the prior approval from the WSD;
 - (viii) provision of toilet facilities shall not be permitted at the Site without the prior approval from the WSD;
 - (ix) drainage traps such as grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of fuel and lubricants. All effluent/pollutants arising from the proposed car park shall be disposed of properly outside the WGG;
 - (x) no oil leakage or spillage in the WGG is allowed;
 - (xi) the storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and

other toxic substances are strictly prohibited within the WGG;

- (xii) oil and grease decontamination kit such as absorbent pads shall be made available by the car park owner to decontaminate any oil leakage or spillage in the course of operation;
- (xiii) should pollution be detected in future due to the car park, the car park shall immediately be closed pending implementation of remedial measures by the car park owner to the satisfaction of the WSD; and
- (xiv) the estate agency office should be located as far away from the water course as possible.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) no in-principle objection to the application subject to FSIs and water supplies for firefighting are provided to his satisfaction;
- (b) in consideration of the design/nature of the application, FSIs are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the locations of the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (c) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

9.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) has reservation on the application from landscape planning perspective;
- (b) the Site is situated in an area of rural landscape character comprising scattered tree groups, farmlands and village houses. The proposed development is not entirely incompatible with the surrounding environment;
- (c) the Site is partly covered with grass. Five *Bauhinia sp.* (羊蹄甲屬) in poor condition are recorded along the northern and

western boundary of the Site. Referring to the submitted layout plan, existing trees will not be in direct conflict with the proposed development, and adverse impact on significant landscape resources is not anticipated;

- (d) a patch of marsh at the south-eastern corner of the Site has recently been dumped with filling materials, which affects the water and soil quality and undermines the landscape quality of the marsh. It is noted that the applicant has undertaken to remove the filling materials and reinstate the marsh; and
- (e) should the application be approved by the Board, approval condition on submission and implementation of landscape proposal is recommended.

Agriculture

9.1.8 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural development point of view; and
- (b) there are active agricultural activities in the vicinity of the Site and agricultural infrastructure such as road access and water source is available. The Site possesses potential for agricultural rehabilitation.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) if the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed development under the application;
- (b) for UBW erected on leased land, enforcement action may be taken by the BD to mobilize their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (c) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed

as the co-ordinator for the proposed building works in accordance with the BO;

- (d) in connection with (c) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively; and
- (e) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at building plan submission stage.

Town Gas Safety

9.1.10 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the Site;
- (b) the applicant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the Site and any required minimum set back distance away from them during the design and construction stages of development; and
- (c) the applicant is required to observe the Electrical and Mechanical Services Department (EMSD)'s requirements on the 'Avoidance of Damage to Gas Pipes 2nd Edition'.

Geotechnical Aspect

9.1.11 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) no adverse comment on the application from geotechnical point of view;
- (b) it is noted that the applicant seeks to utilize the Site for the same use with the same parameters as proposed in the previously approved application (No. A/NE-LT/615). As such, the approved Geotechnical Planning Review Report (GPRR) for the previous application is considered still valid for the current application; and
- (c) should the application be approved by the Board, an approval condition on the submission of a detailed study on the stability of the existing slope feature No. 7NW-A/F2 as part of the

proposed development, and implementation of identified mitigation measures, if found necessary, is required.

9.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Chief Engineer/Consultants Management, Drainage Services Department;
- (d) Project Manager/North, Civil Engineering and Development Department;
and
- (e) District Officer (Tai Po), Home Affairs Department.

10. **Public Comments Received During Statutory Publication Period (Appendix III)**

On 26.3.2019, the application was published for public inspection. During the statutory public inspection period, three public comments were received from Designing Hong Kong Limited and two individuals objecting to the application on the grounds of being not in line with the planning intention of “AGR” zone; being not compatible with the agricultural and rural residential uses in the surrounding areas; having adverse impacts on environment, landscape, road safety and traffic; being “destroy first, build later”; and setting an undesirable precedent.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary shop and services (real estate agency) with ancillary car park for a period of three years at the Site zoned “AGR” on the OZP. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and also to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural development point of view as there are active agricultural activities in the vicinity of the Site and the Site has potential for agricultural rehabilitation. While the proposed development is not in line with the planning intention of the “AGR” zone, it is intended to provide real estate agency services to serve the needs of the local community. It is considered that approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “AGR” zone.

11.2 The Site, situated to the southeast of the village proper of Pak Ngau Shek and adjacent to Lam Kam Road, is partly covered with grass (**Plans A-3 and A-4**). The proposed real estate agency office to be accommodated in a single storey temporary structure with a total floor area of about 201m² is considered not incompatible with the surrounding environment, which is rural in character comprising scattered tree groups, farmlands and village houses. CTP/UD&L of PlanD has reservation on the application from landscape planning perspective. While existing trees will not be in direct conflict with the proposed development and adverse impact on significant landscape recourses is not anticipated, a patch of marsh at the south-eastern corner of the Site has been

dumped with filling materials. It is noted that the applicant has undertaken to remove the filling materials and reinstate the marsh. Should the application be approved, approval condition on submission and implementation of landscape proposal is recommended. H(GEO) of CEDD, noting that the applicant seeks to utilize the Site for the same use with the same parameters as proposed in the previously approved application (No. A/NE-LT/615), considers the approved GPRR under the previous application still valid and has no adverse comment on the application from geotechnical point of view.

- 11.3 The Site is within upper indirect WGG and a stream connecting to Lam Tsuen River is found to the immediate east of the Site (**Plans A-2 and A-3**). The applicant has confirmed that there will be no toilet facility or wastewater generated from the proposed development. In this connection, both DEP and CE/C of WSD have no objection to the application. Other concerned Government departments including DLO/TP of LandsD, C for T, CHE/NTE of HyD, D of FS, CBS/NTW of BD and CE/MN and CE/CM of DSD have no adverse comments on/no objection to the application. To minimize any possible environmental nuisance generated by the development, approval conditions restricting the operation hours and types of vehicles are recommended in paragraphs 12.2 (a) to (c) below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on site will be subject to enforcement action taken by the Planning Authority. Besides, the applicant will be advised to follow relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential environmental impact. The technical requirements of CTP/UD&L of PlanD, H(GEO) of CEDD, CE/MN of DSD and D of FS could be addressed by approval conditions recommended in paragraphs 12.2 (d) to (l) below.
- 11.4 The Site is the subject of a previous application (No. A/NE-LT/615) for the same use submitted by the same applicant, which was approved with conditions on a temporary basis for a period of three years on 8.12.2017. It was approved mainly on the considerations that approval of the proposed development on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone and the technical requirements of relevant Government departments could be addressed by imposing relevant approval conditions. Subsequently, the planning permission was revoked on 8.12.2018 due to the non-compliance with time-limited approval conditions. Nevertheless, it is noted that the applicant has made efforts to comply with the approval conditions including the provision of boundary fencing and the submission of drainage proposal, water supplies for fire-fighting and FSI proposal as well as slope stability assessment under the previously approved application (No. A/NE-LT/615). In view of that CE/MN, DSD, D of FS, H(GEO) of CEDD and CTP/UD&L of PlanD have no objection in principle to the application, it is considered that the subject application may be given sympathetic consideration. Should the application be approved by the Committee, shorter compliance periods are recommended with a view to closely monitor the progress on compliance with the approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in

revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 Regarding the public comments objecting to the application on the grounds detailed in paragraph 10, Government departments' comments and the planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary real estate agency with ancillary car park could be tolerated for a period of three years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 16.8.2022. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.11.2019;
- (e) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.11.2019;
- (f) in relation to (e) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 16.2.2020;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.11.2019;

- (h) in relation to (g) above, the implementation of the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 16.2.2020;
- (i) the submission of fire service installations and water supplies for fire fighting proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.11.2019;
- (j) in relation to (i) above, the implementation of fire service installations and water supplies for fire fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 16.2.2020;
- (k) the submission of slope stability assessment within 3 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 16.11.2019;
- (l) in relation to (k) above, the implementation of mitigation measures identified in the slope stability assessment within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 16.2.2020;
- (m) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

- the proposed development is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for

rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form and clarification letter received on 19.3.2019
Appendix Ia	Supplementary information received on 22.3.2019
Appendix Ib	Further information received on 28.6.2019
Appendix Ic	Further information received on 6.8.2019
Appendix II	Previous application
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Layout plan submitted by the applicant
Drawing A-2	Drainage plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos